

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID MCKINNEY, individually,)
ANITA MCKINNEY, individually, h/w) C.A. NO. 06-208-SLR
)
Plaintiffs,)
)
vs.)
)
PAUL J. MELINARI, individually and)
FINANCIAL SERVICE VEHICLE TRUST,)
a foreign corporation)
)
Defendants.)

SCHEDULING ORDER

At Wilmington this ^{5th} ~~19th~~ ^{4th} day of ~~June~~ ^{August}, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26 (f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties [will exchange by **Friday, August 11, 2006**] the information required by Fed. R. Civ. P. 26(a) (1) and Del. LR 16.2

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

1. Liability of the defendant.
2. The extent of injuries of the plaintiffs.
3. The cause of relation on any injuries to the automobile accident.

- (b) All discovery shall be commenced in the time to be completed by **February 1, 2007**.
- (c) Maximum of 30 interrogatories by each party to any other party.
- (d) Maximum of 30 requests for admission by each party to any party.
- (e) Maximum of 5 depositions by plaintiff and 5 by defendant.
- (f) Each deposition a maximum of 8 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a) (2) on issues for which any party has the burden of proof due by plaintiffs on November 1, 2006 due by defendants on January 1, 2007 and all rebuttal expert reports due by **December 15, 2006**.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before **August 30, 2006**.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purpose of exploring ADR.

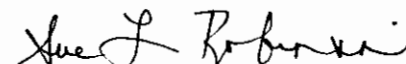
5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before **March 1, 2007**. Briefing shall be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any nondispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before ^{July 31, 2007} ~~two weeks~~ **before pretrial conference**. All responses to said motions shall be filed on or before ^{August 7, 2007.} ~~one week before pretrial conference~~.

8. **Pretrial Conference.** A pretrial conference will be held on 9/4/07 at 5:00 p.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on 9/10/07 in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being respective cases.


United States District Judge